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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,185	09/10/2003	Woodrow Norvel Anderson	2356/SPRI.105487	7488

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EXAMINER
FOUD, HICHAM B

ART UNIT	PAPER NUMBER
2619	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No.

10/659,185

Applicant(s)

ANDERSON, WOODROW
NORVEL

Examiner

Hicham B. Foud

Art Unit

2619

	Application No.	Applicant(s)
Office Action Summary	10/659,185	ANDERSON, WOODROW NORVEL
	Examiner	Art Unit
	Hicham B. Foud	2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 September 2007_.

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4-10,12-17 and 19-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1, 2, 4-10, 12-17 and 19-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06) Office Action Summary Part of Paper No./Mail Date 20071124

DETAILED ACTION

Response to Amendment

1.   The amendment filed on 09-11-2007 has been entered and considered.

Claims 1, 2, 4-10, 12-17 and 19-21 are pending in this application.

Claims 3, 11 and 18 have been canceled.

Claims 1, 2, 4-10, 12-17 and 19-21 remain rejected as discussed below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-10, 12-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being

anticipated by Linzy (US 6,718,384).

For claim 1, Linzy discloses a method for identifying network elements and

related information, comprising: providing a plurality of discovery plans, each having

computer- useable device-specific instructions receivable by a network-element-

discovery component, such that the computer-usable device-specific instructions are

followed in order to perform discovery on at least one network element and specify

queries to issue to the at least one network element (see column 5 lines 2- and lines 12-

17; provisioning engine querying the network elements by using TL1, SNMP and/or

other appropriate protocol), information to extract from results of the queries, and how to

create and populate discovered objects with the results (see column 5 lines 28-30;

provisioning engine determines whether the network element uses SNMP or TL1 by

determining if it receives a proper response to those queries), wherein discovery

includes extracting information from the at least one network element based on the

computer-usable device-specific instructions (see column 5 lines 30-35; provisioning

engine obtains the information of the network element); selecting a discovery plan from

the plurality to interface with the at least one network element (see column 5 lines 28-

30; provisioning engine determines whether the network element uses SNMP or TL1);

and using the selected discovery plan to extract descriptive data from the at least one

network element (see column 5 lines 30-35; provisioning engine obtains the information

of the network element using Telnet).

For Claim 2, Linzy discloses the method, wherein the network-element-discovery

component includes a generic network-element interface (GeNEI) (see Figure 5;

element 45 "Provisioning engine").

For Claim 4, Linzy discloses the method, wherein selecting a discovery plan

comprises: querying the at least one network element (see column 5 lines 2- and

lines 12-17; provisioning engine querying the network elements); and receiving from

the at least one network element information sufficient to determine from the plurality

of discovery plans the selected discovery plan that will enable the GeNEI to

interrogate the at least one network element (see column 5 lines 28-30; provisioning

engine determines whether the network element uses SNMP or TL1 by determining

if it receives a proper response to those queries).

For Claim 5, Linzy discloses the method, wherein the at least one network element descriptive data includes data related to the physical characteristics of the at least one network element (see column 4 lines 64-67; provisioning engine gets descriptive data to validate configuration information, card configuration....).

For Claim 6, Linzy discloses the method, wherein data related to the physical characteristics of the network element includes information related to one or more of: network cards, terminals, common controls, shelves, communications cards, circuits, ports, connections, virtual tributaries, shelves, communications capabilities, bandwidth characteristics, and identifying information (see column 4 lines 64-67; provisioning engine gets descriptive data to validate configuration information, card configuration....).

Claims 7, 8 and 20 are rejected for the same reason as claim 1.

For claim 9, Linzy discloses a generic resolver for determining a communications protocol to be used to communicate with the at least one network element, whereby an applicable protocol-specific, device-agnostic interface can be selected to interrogate the at least one network element (see column 5 lines 12-16; Provisioning engine that may use TL1 messages, SNMP messages and/or any other appropriate protocol to query the network element and see column 5 lines 29-31; Provisioning engine determines the appropriate protocol by receiving a proper response to those types of queries).

For claim 10, Linzy discloses a system wherein each of the one or more network-element-discovery components is a protocol-specific, device-agnostic interface that uses one of the plurality of discovery plans to perform discovery functions on a

communications network (see column 5 lines 12-16; Provisioning engine that may

use TL1 messages, SNMP messages and/or any other appropriate protocol to query

the network element and see column 5 lines 29-31; Provisioning engine determines

the appropriate protocol by receiving a proper response to those types of queries).

For claim 12, Linzy discloses a system wherein information to be extracted from

the one or more network elements includes identifying indicia and technical-

specification data, where technical-specification data includes one or more of

software versions, network addresses, identifiers, a listing of installed components, a

listing of the location of installed components, a listing of the availability of services

provisioned (see column 4 lines 64-67; provisioning engine gets descriptive data to

validate configuration information, card configuration....).

For claim 13, Linzy discloses one or more computer-readable media having

computer-useable instructions embodied thereon for performing a method of

gathering and storing information about devices on a communications network, the

method comprising: identifying a protocol-specific interface module to communicate

with a network device (see column 5 lines 12-16; Provisioning engine that may use

TL1 messages, SNMP messages and/or any other appropriate protocol to query the

network element); establishing a logical connection with the network device (see

column 5 lines 29-31; Provisioning engine determines the appropriate protocol by

receiving a proper response to those types of queries; inherently, it establishes a

logical connection through the query); determining from the device a configuration

file for interrogating the device, the configuration file having computer-useable

device-specific instructions such that the computer-usable device-specific

instructions are followed in order to perform discovery on the device and specify

queries to issue to the device (see column 5 lines 2- and lines 12-17; provisioning

engine querying the network elements by using TL1, SNMP and/or other appropriate

protocol), information to extract from results of the queries, and how to create and

populate discovered objects with the results (see column 5 lines 28-30; provisioning

engine determines whether the network element uses SNMP or TL1 by determining

if it receives a proper response to those queries), wherein discovery includes

extracting information from the device based on the computer-useable device-

specific instructions (see column 5 lines 30-35; provisioning engine obtains the

information of the network element based on the protocol determined before); and

interrogating the device to receive device-attribute data related to the device,

whereby the device-attribute data can be stored (see column 5 lines 31-32;

Provisioning engine may obtain the information in all of the registers in the network

element using Telnet and see Figure 5 element 44 "memory" for storage).

For claim 14, Linzy discloses a media, wherein determining a protocol-specific

interface module to communicate with a network device includes at least one of the

following methods: issuing a command to the network device and receiving back an

indication of a protocol to be used; issuing a command to the network device and

receiving back a response in the protocol to be used; and successively issuing a

plurality of commands in various protocols until a response is received from the

network device indicating which of the plurality of protocols should be used (see

column 5 lines 33-35; Provisioning engine may issue a set register all command to reflect the registers and then query the registers and see column 35-37; By knowing which protocol the network uses and which register is reporting, the type of information may be determined).

For claim 15, Linzy discloses a media wherein various protocols include a communications protocol for which a protocol-specific interface can be implemented (see column 5 lines 12-16; Provisioning engine that may use TL1 messages, SNMP messages and/or any other appropriate protocol to query the network element and see column 5 lines 29-31; Provisioning engine determines the appropriate protocol by receiving a proper response to those types of queries).

For claim 16, Linzy discloses a media, wherein a communications protocol for which a protocol-specific interface can be implemented include one or more selections from the following: SNMP, TL1, Telnet, a proprietary command-line-interface, SSH, CORBA, and Q3 (see column 5 lines 12-16; Provisioning engine that may use TL1 messages, SNMP messages and/or any other appropriate protocol to query the network element and see column 5 lines 29-31; Provisioning engine determines the appropriate protocol by receiving a proper response to those types of queries).

For claim 17, Linzy discloses a media, wherein determining a configuration file includes: receiving identifying indicia from the device; and identifying a configuration file consistent with the identifying indicia (see column 5 lines 29-31; Provisioning

engine determines the appropriate protocol by receiving a proper response to those

types of queries).

For claim 19, Linzy discloses a media, wherein using the configuration file to

interrogate the device-attribute data includes information related to one or more of:

network cards, terminals, common controls, communications cards circuits, ports,

connections, virtual tributaries, shelves, communications capabilities, bandwidth

characteristics, and identifying information (see column 4 lines 65-67; the card

configurations, the connection configurations).

For claim 21, Linzy discloses a method of identifying capabilities of a network,

comprising: providing a set of discovery plans, each having computer-useable

device-specific instructions such that the computer-usable device-specific

instructions are followed in order to perform discovery on at least one network

element and specify queries to issue to the at least one network element (see

column 5 lines 2- and lines 12-17; provisioning engine querying the network

elements by using TL1, SNMP and/or other appropriate protocol), information to

extract from results of the queries, and how to create and populate discovered

objects with the results (see column 5 lines 28-30; provisioning engine determines

whether the network element uses SNMP or TL1 by determining if it receives a

proper response to those queries), wherein discovery includes extracting information

from the at least one network element based on the computer-useable device-

specific instructions (see column 5 lines 30-35; provisioning engine obtains the

information of the network element based on the protocol determined before);

identifying an appropriate network-element-interface to use for performing discovery

on the at least one network device (see column 5 lines 12-16; Provisioning engine

that may use TL1 messages, SNMP messages and/or any other appropriate

protocol to query the network element); identifying an appropriate discovery plan for

the identified network-element-interface to use for performing discovery on the at

least one network device (see column 5 lines 29-31; Provisioning engine determines

the appropriate protocol by receiving a proper response to those types of queries);

retrieving data related to the at least one network device and automatically

populating a database with the retrieved data (see column 5 lines 31-32;

Provisioning engine may obtain the information in all of the registers in the network

element using Telnet and see Figure 5 element 44 "memory" for storage).

Response to Arguments

3.   Applicant's arguments with respect to claims 1, 2, 4-10, 12 and 20 have been

considered but are moot in view of the new ground(s) of rejection.

4.   Applicant's arguments filed 09/11/07 with respect to claims 13 and 21 have been

fully considered but they are not persuasive.   In page 13 of Remarks, the applicant

argues that Linzy fails to disclose a device-specific instructions. The examiner

respectfully disagrees with the applicant since the protocols (such as TL1 and SNMP)

that Linzy uses in his method to query the network elements to extract information from

them, reads on the device-specific instructions since devices use different protocols. It

is well known in the art that a protocol is a convention or standard that controls or

enables the connection, communication, and data transfer between two computing

endpoints. In its simplest form, a protocol can be defined as the rules governing the syntax, semantics, and synchronization of communication. Protocols may be implemented by hardware, software, or a combination of the two.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hicham B. Foud whose telephone number is 571-270-1463. The examiner can normally be reached on Monday - Thursday 10-3 EST.
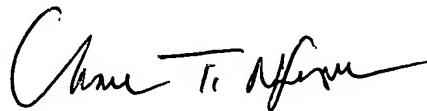
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HF

Hicham Foud
11/24/07

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